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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,133	12/20/2006	Douglas A. Abbott	1700.191USU	9341

  

EXAMINER	
SMALLEY, JAMES N	

  

ART UNIT	PAPER NUMBER
3781	

  

MAIL DATE	DELIVERY MODE
10/24/2008	PAPER

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BANNER & WITCOFF, LTD.  
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CHICAGO, IL 60606

## DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

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